

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Review of the subject application in view of the present amendment/remarks is respectfully requested.

#### ***Specification***

The abstract has been amended to overcome the objection based on MPEP § 608.01(b).

#### ***Claim Rejections – 35 U.S.C. § 103***

Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0235539 to Ohta (hereinafter “Ohta”) in view of U.S. Patent Application Publication 2003/0211874 to Mizuta et al. (hereinafter “Mizuta”). At least for the following reasons, the Examiner’s rejection is respectfully traversed.

With regard to claim 1, Ohta does not disclose the limitation of “a voice control unit which inhibits signal transmission from the voice input section to the voice output section and signal transmission from the voice input section to the communication section for muting if the first and second cabinets are in a transition state from an open state to a closed state or the closed state to the open state based on output of the positional relation sensing unit.” In the slide-type mobile telephone terminal of the present invention, conversation is possible at any of the open, transition or closed states (p. 9, lns. 6-8) and mute operation can be performed during the transition state whether the transition is from open to closed or from closed to open (p. 16, lns. 8-15).

In contrast, the muting section 301 of Ohta only operates while the folding type radio terminal 200 of Ohta is being opened and does not operate while the radio terminal 200 is being closed. This is because in Ohta conversation is possible only when the folding type radio terminal 200 is open and not when the radio terminal 200 is closed. The absence of operation of the muting section 301 while the radio terminal 200 is being closed is also consistent with FIGS. 3, 4 and 7 in which steps S311, S325 and S705 only contemplate whether the top lid is open and not whether the top lid is closed.

In other words, the muting section 301 of Ohta is a one-way mechanism while the voice control unit of the present invention is a two-way mechanism. In the folding type radio terminal 200 of Ohta, the muting section 301 has no use while the top lid is being closed because there is no conversation taking place and thus no need to suppress noise (paragraph 0038 of Ohta). Contrastingly, muting is necessary in a sliding type mobile terminal apparatus such as the present invention because conversation is possible at the open, transition or closed state, and muting of noise during either opening or closing is made possible by "the position relation sensing unit which senses the relative position relation between the first cabinet and the second cabinet."

Since the references fail to disclose each and every limitation of the claimed subject matter, the rejection of claim 1 and claims depending therefrom was improper and must be withdrawn.

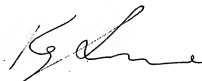
With regard to claim 2, the Office action appears to misunderstand the meaning of the claim language. The limitation of "a predetermined time period from the point in time when the first and second cabinets enter the open state or the closed state from the transition state" is illustrated by "ST" in FIG. 8 of the present application and refers to a prolonged portion of the mute period that prevents an echo sound from being output to the speaker (p. 22, ln. 22 – p. 23,

In. 4). Accordingly, Ohta does not disclose this limitation because it simply discusses shutting down the motor 111 after a predetermined time. Therefore, the rejection of claim 2 was improper.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-40213.

Respectfully submitted,  
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